

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LYON COUNTY WATER DISTRICT	)	
	)	
_____	)	CASE NO. 94-368
	)	
FAILURE TO COMPLY WITH KRS 278.230(3)	)	

O R D E R

Lyon County Water District ("Lyon District") owns, controls, operates, and manages facilities used for and in connection with the distribution and furnishing of water to the public for compensation. It is therefore a utility subject to Commission jurisdiction. KRS 278.010(3)(d); KRS 278.015.

KRS 278.230(3) directs every utility, when required by the Commission, to file with it any report or other information that the Commission reasonably requires. Commission Regulation 807 KAR 5:006, Section 3(1), requires every utility to file with the Commission on or before March 31 of each year a financial and statistical report of its utility operations for the preceding calendar year on forms furnished by the Commission.

KRS 278.990(1) states that any utility which willfully violates any provision of KRS Chapter 278 or Commission regulation shall be subject to a civil penalty not less than twenty-five dollars (\$25.00) nor more than two thousand five hundred dollars (\$2,500).

On January 4, 1994, the Commission provided to Lyon District the standard forms for the annual financial and statistical report. According to Commission records, Lyon District has yet to file its financial and statistical report for the 1993 calendar year with the Commission. The absence of this report from Commission records constitutes prima facie evidence that Lyon District has willfully failed to comply with KRS 278.230(3).

IT IS THEREFORE ORDERED that:


1. Lyon District shall file with the Commission, no later than October 28, 1994, its financial and statistical report for the 1993 calendar year.

2. Lyon District shall appear on November 7, 1994, at 9:30 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of showing cause, if any it can, why it should not be subjected to the penalties of KRS 278.990 for its failure to comply with KRS 278.230(3).

3. If Lyon District desires to waive its right to a hearing in this matter, it shall, no later than October 28, 1994, file the required report and pay a penalty of \$125. Payment of the penalty shall be made by certified check or money order made payable to Treasurer, Commonwealth of Kentucky and shall be delivered to office of General Counsel, Public Service Commission, 730 Schenkel Lane, P. O. Box 615, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 11th day of October, 1994.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director